

Definition B-criminal negligence as to “circumstances surrounding conduct”

INSTRUCTION NO.____

A person acts with criminal negligence when (he)(she) *should be aware* of a substantial and unjustifiable risk that certain circumstances exist relating to (his)(her) conduct.

The nature and extent of the risk must be such that failing to perceive it is a gross deviation from what an ordinary person would perceive in that situation.

Committee Note: Generally, it will be enough to use definition A, which focuses on when an actor “ought to be aware” of the **result** of the actor’s conduct. However, where the applicable statutory provision focuses on whether the actor should be aware of **circumstances** related to the actor’s conduct, this definition (definition B) should be used.